IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1119 OF 2006

Mohan Subbanna Poojary. ...Applicant
v/s.
Union of India & Ors. ...Respondents

Shri Sudhakara i/b. M/s.Khaitan & Co. for Applicant.
Shri H.V. Mehta for Union of India.
Ms.M.H. Mhatre, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 21, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned Counsel for the Union of India.

. Mr.Mehta, learned Counsel for the Union of India submits that the present applicant has been detained by virtue of order of detention being passed by the competent authority under the provisions of COFEPOSA Act. He submitted that since he is detained by virtue of the said order, the present application for bail has become infractuous. He submits that therefore, liberty may be granted to the applicant to apply for bail after the period of detention is over or if the order of detention is quashed.

2. Accordingly, the present application is dismissed. Liberty, however, is granted to the applicant to apply for bail after the period of detention is over or if the order of detention is quashed. All questions raised in this application are kept open.

3. Learned Counsel for the applicant submits that if the Union of India wishes to arrest the applicant after the period of detention is over, they should give 48 hours notice so that they can approach the appropriate court.

4. Respondent-Union of India, accordingly, to give 48 hours notice after he is released from detention and during the said period, he should not be arrested.

. With these directions, the application is disposed of.

(V.M. Kanade, J.)